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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/809,634   | 03/25/2004  | Seisuke Matsuda      | OOCL-155<br>(6HS-04S0275) | 8941             |
| 26479  | 7590        | 02/22/2006           | EXAMINER                  |                  |
| STRAUB & POKOTYLO<br>620 TINTON AVENUE<br>BLDG. B, 2ND FLOOR<br>TINTON FALLS, NJ 07724 |             |                      | LUU, THANH X              |                  |
|  |             |                      | ART UNIT                  | PAPER NUMBER     |
|  |             |                      | 2878                      |                  |

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/809,634 | Applicant(s)<br>MATSUDA ET AL. |  |
|                              | Examiner<br>Thanh X. Luu      | Art Unit<br>2878               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 12 is/are rejected.
- 7) ☒ Claim(s) 2 and 6-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is in response to amendments and remarks filed January 23, 2006. Claims 1-12 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (U.S. Patent 4,816,917)

Regarding claims 1, 3-5 and 12, Yamamoto et al. disclose (see Figs. 1-3) a solid-state image sensing apparatus, comprising: an effective signal photoelectric conversion unit or means (light areas of 10) to receive object light; and a light-shielded reference signal photoelectric conversion unit or means (11a) to output an optical black level equivalent signal; wherein in addition to an output from the effective signal photoelectric conversion unit or means, one of an output (controlled by clamp signal P1) from the reference signal photoelectric conversion unit or means and a predetermined reference voltage (controlled by clamp signal P2; see also col. 3, lines 25-43) is selectively (switch 6) output. Yamamoto et al. further disclose (see Fig. 1) a determination unit (5) which

compares a luminance value (video output) with a predetermined value (E) and a noise suppressing unit (6) as claimed.

3. Claims 1, 3-5 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. Patent 6,788,340).

Regarding claims 1, 3-5 and 12, Chen et al. disclose (see Figs. 2-4) a solid-state image sensing apparatus, comprising: an effective signal photoelectric conversion unit or means (unshielded portion of sensor array; not shown) to receive object light; and a light-shielded reference signal photoelectric conversion unit or means (shielded portion of sensor array under shield 48) to output an optical black level equivalent signal; wherein (see Figs. 3 and 4) in addition to an output from the effective signal photoelectric conversion unit or means, one of an output from the reference signal photoelectric conversion unit or means and a predetermined reference voltage is selectively output. Chen et al. further disclose (see Fig. 4) a determination unit (inherent in flow chart) which compares a luminance value with a predetermined value and a noise suppressing unit (44) as claimed.

#### ***Allowable Subject Matter***

4. Claims 2 and 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed January 23, 2006 have been fully considered but they are not persuasive.

Applicant asserts that because of the incorporation of allowable subject matter, the claims are in condition for allowance. However, Applicant appears to have incorporated the wrong language into the claims. The noise suppressing circuit is shown in the prior art as set forth above and previously.

Thus, since the application is not in condition for allowance, this rejection is proper.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thanh X Luu  
Primary Examiner  
Art Unit 2878

02/2006